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TRANSFER OF POLITICAL POWER IN CHINA

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SUMMARY

Having gained a preponderance of military power, the Chinese Communists are now in a position to choose their own means for achieving political control over all of China. Three possibilities present themselves:

1. To compromise with the existing Nationalist Government, initially accepting the established institutions, then gradually altering them to suit Communist needs.

2. To break completely with established institutions and accepted political forms and create a de facto government based on military force.

3. To create a new constitutional structure through domestically acceptable procedures, utilizing the doctrines of Sun Yat-sen to reinforce claims to domestic legitimacy.

The first course would permit the Communists to enter a government already recognized at home and abroad as the lawful government of China, but it would be inconsistent with Communist doctrine.

The establishment of military dictatorship, while conceivable, would involve a forfeiture of all legitimacy, both international and domestic.

The third course, the creation of a new constitutional system through the medium of a Political Consultative Council, would offer the Communists a middle road, halfway between the

extremes of compromise with the Kuomintang and full military dictatorship. Although such a course would make the attainment of international legitimacy more difficult, it would, when combined with an appeal to the teachings of Sun Yat-sen, afford the Communists an adequate guarantee of domestic approval.

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TRANSFER OF POLITICAL POWER IN CHINA

INTRODUCTION

A shift in the locus of military power in China is now an accomplished fact, and a transfer of political power is imminent. Since the future international status accorded to China will depend, in large degree, upon the manner in which a transfer of power is effected, it is currently important that a preliminary assessment be made of the means available to the Chinese Communists for implementing a full and formal assumption of power and of the difficulties that they will probably encounter.

Events within the last year make it clear that a transfer of power might be accomplished by (a) a formal transfer conducted by the Communists on the national level, through peaceful negotiations with a single centralized Nationalist Government or its duly authorized representatives, or (b) a series of local settlements that do not involve any formal transfer of political power but merely expand Communist administration gradually through military power.

The Chinese Communist Party's apparent decision to make temporary use of the methods of local settlements does not preclude the possibility that a formal political transfer of power is the Communists' ultimate goal. The "piecemeal" solution may be regarded as a Communist expedient aimed at gaining time for the completion of administrative plans and preparations for a formal transfer.

This paper presents an assessment of the means available for a transfer of political power, of the probable stages in effecting such a transfer, and of the probable domestic and foreign difficulties involved in any transfer of power from the Kuomintang to the Chinese Communists.

I. MEANS AVAILABLE TO THE CHINESE COMMUNISTS FOR A TRANSFER OF POLITICAL POWER IN CHINA

In effecting a transfer of power, the Chinese Communists have a choice of three courses of action:

1. They could fit themselves into the established pattern of national government by accepting the existing constitution and the existing organs of government on a temporary basis, gradually altering them by recourse to established legal means.

2. They could overthrow and destroy the established order by violent revolutionary means and create a de facto government that would be based wholly on military force and would be entirely Communist in complexion, without any claim to legitimacy or any continuity with the past.

3. They could pursue a middle course somewhere between the extremes of courses (1) and (2); such a course would involve the creation of a new constitutional structure through means that would have the sanction of domestic, if not foreign, approval.

Broadly speaking, the pursuit of the first course would be most likely to give the Communists both domestic and international legitimacy; pursuit of the second course would involve forfeiture of both domestic and international legitimacy; while the third course would involve a gamble with international recognition but would guarantee the Communists a large measure of acceptance at home.

A. Means within the Established Pattern of Government

1. Methods of Utilizing Established Pattern. Should the Chinese Communists decide to achieve a transfer of power by employing the established pattern of government, they would have a choice of the following expedients: (a) to hold new elections for the Legislative Yuan, which would have constitutional power to revise the constitution, subject to the subsequent approval of the National Assembly; (b) to convoke a new National Assembly, which would have power to revise the constitution and elect a new president and vice-president; or (c) to gain control over the executive branch of the government through a pre-arranged sequence of resignations of key personnel (i.e., Chiang, Li Tsung-jen, and Sun Fo) and the appointment of persons acceptable to the Communists. The last-mentioned expedient might entail the appointment of some pro-Communist member of the Nanking regime as premier (president of the Executive Yuan), who, in the absence of a president and vice-president, would have legal authority under the present constitution to discharge the duties of the presidency.[1]

1. The more likely candidates for the Communists to use would be such men as Chang Chih-chung, Shao Li-tze, and Yu Yu-jen.

2. Advantages to be Gained by Using Established Pattern. Some compromise with the established system of government would offer the Communists a much cheaper means (in terms of men, equipment, time, etc.) of achieving hegemony over all of China than the alternative use of military force. By entering a government already recognized abroad as the legal government of China, the Communists would be in a position to force other governments into the dilemma of either granting them automatic recognition or making an overt act of withdrawing recognition. At the same time, such a course of action would enable the Communists to minimize domestic criticism, to expand their authority by peaceful means, and to obtain the allegiance of the trained technicians and managers whom they need for purposes of national administration. A decision on their part to "compromise" with the established pattern of government would not necessarily impose any drastic limitations on their freedom of action, since, in any event, they would probably be able (by virtue of their military supremacy) to win predominance in any "coalition" that might be formed and to manipulate it to their own advantage through legal and parliamentary processes.

3. Factors Deterring Communists from Using the Established Pattern. Despite the advantages that the Communists might gain by fitting themselves into an established structure of government, there is little or no evidence that they intend to do so. In fact, there are a number of cogent reasons why such a move on the part of the Communists is highly unlikely. First, the Communists have attacked the present constitution as an illegitimate, one-party document drawn up without their approval;[1] a decision at this juncture to accept it would constitute a serious breach of doctrinal consistency on their part. Second, Communist adoption of the present constitutional system would presuppose a willingness on their part to negotiate a "compromise" peace with the present Nationalist regime that would allow the Kuomintang to retain some remnant of power -- a willingness that the Communists have not shownthus far. Third, it is highly unlikely that the Communists would wish to use a National Assembly elected under the present electoral system, which has been traditionally dominated by the Kuomintang.

1. Communist objections to the constitution are directed primarily against the manner of its ratification rather than against its substance.

B. Means Outside the Established Pattern of Government

1. Military Dictatorship. It is entirely possible that the Communists will reject all legal and peaceful means of effecting a transfer and create a de facto government based wholly on military force. The Communists now possess sufficient military power to crush all remaining opposition, destroy the present Nationalist Government by force, and establish a military dictatorship, in which no non-Communist parties or groups would be represented.

On the other hand, although such a course is entirely feasible, it would present serious disadvantages for the Communists, since it would: (a) involve forfeiture of all claims to legitimacy, both international and domestic; (b) prove costly, in terms of resources, troops, equipment, and time; and (c) create a danger of large-scale popular disaffection and perhaps lead to a heightening of separatist feeling.

2. "Coalition Government", Communist-Style. Between the extremes of unreserved acceptance of the present system of government and the establishment of a de facto government based on military force, there is a third, or middle, course open to the Communists for effecting a transfer of political

power. This middle course would involve the scrapping of the present constitution; the creation, by domestically acceptable means, of a new constitutional structure to replace the old; and the establishment of a Communist type of "coalition", in which some, but not all, of the non-Communist parties and groups would be represented.

By adopting this middle course, the Communists stand to gain a number of strategic advantages. Rejection of the present constitutional pattern would enable the Communists to set up a government of their own choosing. And although, by adopting such a course, they would run the risk of losing international legitimacy, they would nevertheless obtain an adequate guarantee of domestic approval and acceptance.

a. Communist concept of coalition government. Inasmuch as the manner in which the Chinese Communists establish a new regime will be conditioned largely by their doctrinal assumptions with regard to government, it is of primary importance to discover, if possible, what the Chinese Communist notion of coalition government involves and what it implies in terms of the actual mechanics of a new political settlement.

The concept of coalition is nothing new in Chinese Communist thinking and doctrine. It has a history dating back to 1924, when the Communists were admitted into the Kuomintang,[1] and is closely bound up with the idea of a united front of revolutionary classes and groups, dating from 1932, when the Communists first offered to make an alliance with the Kuomintang against the Japanese. Since that time the Chinese Communist concepts of both a coalition and a united front have undergone a metamorphosis, from a concept of alliance with the Kuomintang to a concept of an alliance with "democratic" parties and groups other than the Kuomintang. The most explicit recent statement of the united front policy was made by Mao Tse-tung on December 25, 1947. At that time Mao declared that it was the basic objective of the Communist Party to "unite the workers, peasants, soldiers, students, commercial elements, all oppressed classes, all democratic parties and groups, all national minorities, overseas Chinese everywhere, and other patriotic elements... to establish a democratic coalition government...This United Front must be under the firm leadership of the Chinese Communist Party..."[2]

1. The alliance of the Communists and the Kuomintang from 1924 to 1927 was extremely shaky from the beginning, but it does have a "symbolic" value in Communist thinking and has contributed to the Communist fiction of legitimate descent from Sun Yat-sen.
2. FBIB, Daily Report, January 2 and January 5, 1948, RESTRICTED.

This concept of "coalition government" is an adjunct of Mao's doctrine of the "New Democracy." Mao, an orthodox Stalinist, tends to view the revolutionary process in gradualist terms, seeing it as a progression from bourgeois capitalism to socialism. The transitional phase from a capitalist to a socialist society is the "New Democracy." The political counterpart of this transitional society is "coalition government." This government, as described by Mao, will be a "political system based on the United Front, on which all democratic classes collaborate..."[1]

In structure this "coalition government" will be one that includes three major "blocs": the Communist Party; the "democratic parties" (minor non-Communist groups, such as the Democratic League and the Kuomintang Revolutionary Committee); and the "democratic elements," consisting of various occupational and functional groups (such as workers, peasants, professionals, intelligentsia, "liberal bourgeoisie", and "enlightened gentry"). The real power in this "coalition" will be held by the Chinese Communists and by the proletariat (workers and peasants), who, according to Mao, are the vanguard of the revolution.

1. See Mao's report to the 7th National Congress of the Chinese Communist Party: "On Coalition Government," April 1945, published in Chieh Fang Jih Pao, Yenan, May 2, 1945.

The form that this government will take has been described by Mao as one of "democratic centralism." This phrase, reduced to its essential meaning, implies a government in which power is concentrated in the hands of the Communist Party, whose function it is to "guide" the untutored masses.

One question that inevitably arises in connection with the Communist doctrine of "coalition" is the question of the degree of representation, if any, that will be accorded the remnants of the Kuomintang in a Communist-led government. Public statements by Communist leaders, if taken at face value, indicate that the Communists do not intend to allow the main body of the Kuomintang any share whatsoever in a future coalition and that the only segment of the Kuomintang with which they will cooperate is the Revolutionary Committee of Li Chi-shen. Recent statements by Mao that all "reactionary elements" will be excluded from a future government and that the Chinese Communist Party will "take over all power from the Nanking Kuomintang Government and its lower levels of government" would seem to bear out such an interpretation.[1]

1. FBIS, Daily Report, January 17, 1949, RESTRICTED.

While it is highly unlikely, in view of Communist aims and capabilities, that the Kuomintang as an organized bloc will play any part in a future government, it is by no means certain that its individual members will be completely excluded from administrative positions. Despite the fulminations of the Communist leaders, some fairly moderate policy might be adopted whereby the more objectionable top personnel of the Kuomintang -- such as those branded as "war criminals" and members of the CC Clique -- would be "liquidated" but less objectionable members of the lower and middle Kuomintang ranks would be gradually absorbed, in some informal way, into a Communist-led government. Such an arrangement would permit the Communists to obtain the trained administrators and managers they need and would have the further advantage of permitting them to neutralize any potential opposition by absorbing it into their government. The key factor in such an arrangement would undoubtedly be the Kuomintang Revolutionary Committee (KMTRC), which would probably be given the task of screening all former Kuomintang members who apply for posts in the new administration and determining

their eligibility on the basis of past performances.[1]

b. Expedients for cre-ting and "legitimizing" a coalition government, Communist-style. In the event that the Communists decide to effect a transfer of power by scrapping the present constitutional system and establishing a "coalition" government within the framework of a new constitution, they will be faced with the problem of finding some domestically acceptable means of doing so -- that is, they must find some set of expedients that will allow them to establish continuity with the Chinese past and obtain the sanction of popular approval.

The most obvious expedients the Communists could employ to gain the continuity and domestic acceptance they need are (1) the convening of a new Political Consultative Conference as a prelude to the formation of a "democratic coalition government" along Communist lines and (2) exploitation of the affinities between Chinese Communism and the traditional

1. See Li Chi-shen's statements concerning the possible formation of a provisional government in North China that would absorb remnants of Kuomintang personnel. D-72, Hongkong, November 23, 1948; CONFIDENTIAL; See also, statements by Lo Lung-chi to the effect that the Communists intend to negotiate with individual Nationalist leaders on posts to be assigned them in a Communist-led "coalition." D-4912, Nanking, January 16, 1949, SECRET/US Officials Only.

political principles of Sun Yat-sen, with a view to fitting a Communist-led regime into an established and accepted political tradition.

i. The Political Consultative Conference. In recent official statements, the Communists have reiterated their intention of convening a Political Consultative Conference composed of delegates from all "democratic" parties and groups and from "people's organizations," with a view to laying the foundations for a "democratic coalition government." It is clear that the Communists now conceive of a new Political Consultative Conference as the logical medium for creating a new constitutional system and for obtaining the domestic sanctions they require for a new regime. Since the idea of such a multi-party conference does have roots in an indigeneous Chinese past -- in the Political Consultative Conference, of 1946, which was, for a time, a symbol of potential national unity -- it would provide the Communists with an effective means of establishing continuity with the national past and would be a cogent means for attaining domestic, if not foreign, acceptance.

The first suggestion for a new Political Consultative Conference came from Li Chi-shen's Association for the

Promotion of Democracy in Hongkong, in October 1947. Li's program of March 1948 called for joint sponsorship of a new Political Consultative Conference by all democratic parties and groups as a prelude to the reorganization of national and local government and the drafting of a genuinely democratic constitution. The first reaction on the part of the Communists was to denounce Li as being covetous of a share in the spoils. However, on May 1, 1948, the Communists reversed this original attitude and came forward with their own proposals for a new Political Consultative Conference, expressing their willingness to cooperate with "all democratic groups and parties, people's organizations, and progressive social leaders" and "to promptly call a Political Consultative Conference to discuss and realize the convocation of a People's Congress and the formation of a democratic coalition government."[1]

The new Political Consultative Conference, which would be composed of delegates from all "democratic parties", was originally scheduled for late January or early February. However, the Central Committee of the Chinese Communist Party decided to postpone the conference until May or June. A site has not yet been officially announced, but the most likely locations are Peiping or Shih-chia-chuang, in Hopeh. The

1. Far Eastern Bulletin, Volume No. 6, August 13, 1948.

initiative for calling this conference will rest with the Chinese Communist Party, which can, if it so desires, continue to postpone it indefinitely. The chief prerequisites would be the signing of a permanent truce and the restoration of peace and order.

The probable tasks and functions of a new Political Consultative Conference would include the drafting and ratification of a new constitution and the formulation of basic administrative policies for a permanent national "coalition" government. Whether the agenda of the conference would include the actual writing of a new constitution or whether the conference would merely ratify a draft submitted to it by a "constitutional convention" is not yet clear.[1] Inasmuch as the major policy decisions affecting the creation of a new government will already have been made at preliminary meetings now being held in North China, it seems likely that the conference would be merely a rubber-stamp congress summoned to lend its approval to policies pre-determined by a small group of Communist and "friendly" dissident leaders.

1. Li Chi-shen's recent statements indicate that a separate constitution-drafting assembly may be convened.

Recent reports that the Communists have decided to increase the size of the Political Consultative Conference to some thousand delegates suggest that the Communists intend to make the Conference a grand display of "democracy," Communist-type. At the same time, it appears that the Communists are planning to pack such an assembly with delegates "elected" from areas in which their authority has been most thoroughly consolidated.

ii. Exploitation of Sun Yat-senism. A second expedient -- one that could be used in conjunction with a Political Consultative Conference to gain legitimacy for a new Communist-led regime in Chinese eyes -- would be a large-scale exploitation of the affinities of Communist doctrines and practice to the theories of Sun Yat-sen, which constitute the mainstream of modern Chinese political thought. The cult of Sun Yat-sen could offer the Communists a set of ready-made symbols that they would put to very effective use in attempting to establish themselves within an accepted national tradition. In the absence of any well-established

tradition of genuine and workable constitutional government in China, a successful invocation of the tradition of Sun Yat-sen would afford the Communists a domestic sanction for power almost as cogent as that which would be provided by a strict adherence to the formal rules of constitutional procedure.

A future attempt by the Communists to exploit the Sun Yat-sen tradition to their own advantage would probably be conducted on lines similar to the following:

a. The Communists might hark back to the period 1924-27, when they were officially admitted to membership in the Kuomintang by Sun himself and point to this fact as proof that their heritage is as "legitimate" as that of the Kuomintang.[1]

b. They might reiterate their argument that the Chinese Communist Party alone has carried

1. The key element in the Communist interpretation of Sun Yat-senism is the Manifesto of 1924, which called for the implementation of three major principles: unity of the Communist Party and the Kuomintang, alliance with the USSR, and a broadening of the base of the revolution to include the peasant and labor masses. In his New Democracy (1940), Communist leader Mao devoted considerable attention to this Manifesto. To Mao it represents a watershed in the revolutionary process, a dividing line between the "old" (bourgeois-nationalist) revolution and the "new" (peasant-proletariat) revolution. Mao argues that the three principles outlined in the Manifesto are the true embodiment of Sun's philosophy of revolution and that they supersede all earlier doctrines. Mao does not imply that he considers Sun Yat-senism a completely adequate basis for revolutionary action. He is careful to add that the program of the "New Democracy" is far more complete than the program of revolution envisioned by Sun. Mao seems to regard Sun as a kind of inspired prophet and dreamer whose rather nebulous concepts have been improved upon and systematized in the New Democracy.

out the true will of Sun Yat-sen, because it has carried the revolution to the peasant masses (as directed by the Manifesto of 1924) while the Kuomintang, by failing to complete the popular revolution, has perverted the teachings of Sun, betrayed the trust reposed in it by the Chinese people, and therefore forfeited its Mandate of Heaven, which now devolves upon the Chinese Communist Party as the only legitimate vehicle for the revolutionary process.

c. The Communists might further argue that they are not subverting the lawful government of China and are not creating a "new" government to replace the present Nationalist regime, but are merely ushering in the "Third," or "Constitutional," stage of government called for by Sun Yat-sen.[1]

II. PROBABLE STAGES IN EFFECTING A TRANSFER OF POLITICAL POWER

It is impossible, at this juncture, to predict the precise evolutionary stages by which a new national government under Communist leadership will emerge. Recent developments, such as the postponement of the Political Consultative Conference and the Communist repudiation of Nationalist requests for a cease-fire agreement, suggest that the Communists may now intend to postpone any full-scale political settlement

1. The Communists would, of course, deny that the present government is the legal government of China; they would further deny that it truly is a constitutional government, since, they would argue, its constitutionality rests upon the false foundations of the "bogus," one-party constitution of 1946. (Mao declared in 1944 that the Nationalist Government had "no status by any law.")

until they have crushed the last vestiges of military opposition and have brought all or most of southern China under their military control.[1] Such a course of action would be quite in line with recent Communist propaganda, which has been calling for "carrying out the revolution to the end" and has been attacking all peace proposals emanating from Nanking as American-inspired reactionary plots to halt the revolution short of its goal.[2]

On the assumption that the Communists will persist in their present refusal to negotiate a peace and will continue to use military force until they have brought about the virtual destruction of the Nationalist Government as an organized political force, it appears that the future development of Communist policy may take the following pattern.

a. There would be a period of de facto provisional government during which the remnants of the lower and middle echelon personnel of the Nationalist

1. Such a view is confirmed by recent statements by Li Chi-shen and by several American observers.
2. See Communist editorial entitled "Let us Carry Out the Revolution to the End", dated December 31, 1948, cited in FBIB, Daily Report, January 3, 1949, RESTRICTED. See also recent statements by dissident delegates to the preliminary meetings in North China, in which they attack the Nationalist offers of a cease-fire order as an American-inspired plot to frustrate the revolutionary forces. (FBIB, Daily Report, January 24, 1949, RESTRICTED).

regime might be absorbed, thus lessening the need for a formal negotiated peace;[1]

b. This would be followed by a period of permanent "coalition" government, inaugurated by the convening of a Political Consultative Conference, the election of a "popular" assembly, and the drafting of a new constitution.

The establishment of a "provisional government" would mean a very definite break in continuity, since this government would presumably succeed a defunct Nationalist Government and its establishment would precede (perhaps by several months) the convening of a Political Consultative Conference and the promulgation of a new constitution. If, therefore, the Communists decide to launch such a government, they must be prepared to enter a constitutional "No Man's Land" and to accept the consequences, in terms of domestic and international recognition, that such a break in continuity would imply.

III. PROBABLE DIFFICULTIES INVOLVED IN A TRANSFER OF POLITICAL POWER

A. International Difficulties

The chief difficulty that would confront a "coalition" government set up under Communist auspices and based on a new

1. The possibility that a provisional government may be established even before the formal end of hostilities was suggested by Li Chi-shen, in an interview with Tai En-sai in late November 1948.

constitution would be the problem of obtaining international recognition. If the Communists persist in their professed desire to destroy the existing machinery of government and to abolish all "traitorous treaties" made by the Nationalist Government since January 1946, they will destroy the very means by which they could obtain recognition from foreign governments as the lawful government of China.

To ascertain the precise nature of the Communist position with regard to existing treaties, it is necessary to go back to an important policy statement made by the Central Committee of the Chinese Communist Party on February 1, 1947. At that time the Communist position rested upon the premise that the Political Consultative Conference was the "highest political body in China" and that "all important internal and diplomatic affairs which would be passed by a parliament in democratic countries should pass through the conference ... before they can be regarded as effective...." The Nationalist Government, however, had ignored the Conference and had "many times contracted diplomatic negotiations of a serious nature with certain foreign governments" without the prior approval and knowledge of the parties and groups participating in the conference. Such negotiations included "loans from foreign governments, continuations of

Lend-Lease, buying and accepting of munitions and surplus war materials, forming of treaties regarding special rights in commerce, navigation, aviation, and other economic and legal special rights." With reference to these treaties and obligations, the Chinese Communist Party stated unequivocally that "this Party will not either now or in the future recognize any foreign loans, any treaties which disgrace the country and strip away its rights, and any of the above agreements and understandings established by the Kuomintang Government after January 10, 1946, nor will it recognize any future diplomatic negotiations of the same character which have not been passed by the Political Consultative Conference or which have not obtained an agreement of this party and other parties and groups participating in the Political Consulative Conference. This Party will absolutely not bear any obligations for the above-mentioned."[1]

Since the issuance of this statement by the Central Committee there has been no indication that the official Communist position with regard to existing treaty obligations has been changed materially. Indeed, the abolition of the "traitorous treaties" has been made one of the eight Communist

1. FBIB, Daily Report, February 5, 1947, pp. BB-1-3, RESTRICTED.

"conditions" for peace, a fact that would indicate that the Communists are determined that they will not be bound by existing agreements with foreign nations contracted by the Nationalist Government since January 1946.

B. Domestic Difficulties

Should the Communists decide to abrogate the present constitution and to establish an interim "provisional" government on a de facto basis (thus creating a definite hiatus between the present Nationalist Government and the new government of their own), they would be confronted with the choice of either creating some temporary sanctions for rule or accepting a non-legitimate status. Although they would eventually achieve constitutionality and domestic acceptance through some medium such as the Political Consultative Conference and a new constitutional convention, for a limited period after they took over the national government their domestic rule would rest upon a purely de facto basis. In such a case, their domestic situation would probably be generally comparable to the position of the Bolsheviks in Russia in 1917-18 and to that of the Nationalist Government in China during its formative period (1928-29). Inasmuch as the Communists would have overwhelming military

strength, the question of the non-legitimacy of a "provisional" government would be largely academic and would constitute only a temporary obstacle -- an obstacle that would be removed by the establishment of constitutional government, with all the outward trappings of legality.